

ORDINANCE NO. 07-031

ORDINANCE GRANTING A VARIANCE PERMIT TO ALLOW A TEMPORARY WAIVER OF PLAT, PROVIDED THAT THE PROPERTY WILL BE REPLATTED WITHIN 18 MONTHS FROM THE GRANT OF THE WAIVER. **PROPERTY LOCATED EAST OF NW 97 AVENUE, WEST OF I-75, NORTH OF NW 139 STREET AND SOUTH OF NW 146 STREET, HIALEAH, FLORIDA.** REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HERewith; PROVIDING PENALTIES FOR VIOLATION HEREOF; PROVIDING FOR A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Planning and Zoning Board at its meeting of February 14, 2007 recommended approval of this ordinance.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND THE CITY COUNCIL OF THE CITY OF HIALEAH, FLORIDA, THAT:

Section 1: The below-described property is hereby granted a variance permit to allow a temporary waiver of plat, provided that the property will be replatted within 18 months from the grant of the waiver. Property located east of NW 97 Avenue, west of I-75, north of NW 139 Street and south of NW 146 Street, Hialeah, Miami-Dade County, Florida and legally described as follows:

TRACTS 33 THROUGH 36, BOTH INCLUSIVE, IN SECTION 21, TOWNSHIP 52 SOUTH, RANGE 40 EAST, FLORIDA FRUIT LANDS COMPANY'S SUBDIVISION NO. 1, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 2, PAGE 17, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA.

LESS THE PART THEREOF TAKEN IN EMINENT DOMAIN PROCEEDINGS, CASE NO. 79-5-184 FOR

INTERSTATE 75, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGIN AT THE NORTHEAST CORNER OF THE SOUTHWEST $\frac{1}{4}$ OF SAID SECTION 21, TOWNSHIP 52 SOUTH, RANGE 40 EAST; THENCE RUN SOUTH $2^{\circ} 36' 44''$ EAST ALONG THE EAST LINE OF THE SOUTHWEST $\frac{1}{4}$ OF SAID SECTION 21 FOR 1,320 FEET TO AN INTERSECTION WITH THE SOUTH LINE OF SAID TRACT 36; THENCE RUN SOUTH $89^{\circ} 37' 29''$ WEST ALONG THE LAST DESCRIBED SOUTH LINE FOR 600.85 FEET TO A POINT ON A CIRCULAR CURVE CONCAVE TO THE NORTHWEST AND HAVING A RADIUS OF 1,035.92 FEET; THENCE FROM A TANGENT BEARING OF NORTH $18^{\circ} 49' 16''$ EAST, RUN NORTHEASTERLY 315.33 FEET THROUGH A CENTRAL ANGLE OF $17^{\circ} 26' 26''$ IN THE END OF THIS PORTION OF SAID CURVE; THENCE RUN NORTH $1^{\circ} 50' 49''$ EAST FOR 768.10 FEET; THENCE RUN NORTH $2^{\circ} 37' 10''$ WEST FOR 243.52 FEET TO AN INTERSECTION WITH THE NORTH LINE OF THE SOUTHWEST $\frac{1}{4}$; THENCE RUN NORTH $89^{\circ} 37' 02''$ EAST ALONG THE LAST DESCRIBED NORTH LINE FOR 471.94 FEET TO THE POINT OF BEGINNING AND ALL RIGHTS OF INGRESS, EGRESS, LIGHT, AIR AND VIEW BETWEEN THE REMAINING PORTIONS OF SAID TRACTS 33 AND 36 AND ANY FACILITY CONSTRUCTED ON THE PORTION TAKEN FOR INTERSTATE 75.

TRACTS 37, 38, 43, 44 AND 45, IN SECTION 21, TOWNSHIP 52 SOUTH, RANGE 40 EAST, A SUBDIVISION OF FLORIDA FRUIT LANDS COMPANY'S SUBDIVISION NO. 1, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 2, PAGE 17, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA, LESS THOSE PORTIONS OF SAID TRACTS 37 AND 38 CONVEYED TO THE STATE OF FLORIDA, DEPARTMENT OF TRANSPORTATION, IN DEED FILED JULY 20, 1979, IN OFFICIAL RECORDS BOOK 10458, PAGE 2138, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA.

TRACT 46, IN SECTION 21, TOWNSHIP 52 SOUTH, RANGE 40 EAST, A SUBDIVISION OF FLORIDA FRUIT LANDS COMPANY'S SUBDIVISION NO. 1, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 2, PAGE 17, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA.

PORTIONS OF TRACT 39, FLORIDA FRUIT LANDS COMPANY'S SUBDIVISION NO. 1, OF SECTION 21, TOWNSHIP 52 SOUTH, RANGE 40 EAST, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 2, PAGE 17, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGIN AT THE SOUTHWEST CORNER OF SAID TRACT 39; THENCE NORTH $02^{\circ} 37' 47''$ WEST, ALONG THE WEST LINE OF SAID TRACT 39, FOR 330.20 FEET, TO THE NORTHWEST CORNER OF SAID TRACT 39; THENCE NORTH $89^{\circ} 37' 53''$ EAST, ALONG THE NORTH LINE OF SAID TRACT 39, FOR 319.94 FEET, TO A POINT ON THE WESTERLY RIGHT-OF-WAY LINE OF INTERSTATE 75, SAID POINT ALSO BEING ON A CIRCULAR CURVE, SAID CURVE BEING CONCAVE TO THE NORTHWEST AND HAVING A RADIUS OF 1,315.92 FEET; THENCE SOUTHWESTERLY ALONG THE ARC OF SAID CURVE AND ALONG SAID WESTERLY RIGHT-OF-WAY LINE OF INTERSTATE 75, THROUGH A CENTRAL ANGLE OF $11^{\circ} 03' 51''$, FOR AN ARC DISTANCE OF 254.11 FEET; THENCE NORTH $77^{\circ} 18' 30''$ WEST, ALONG SAID WESTERLY RIGHT-OF-WAY LINE OF INTERSTATE 75; THENCE SOUTH $11^{\circ} 23' 07''$ WEST, ALONG SAID WESTERLY RIGHT-OF-WAY LINE OF INTERSTATE 75, TO A POINT ON THE SOUTH LINE ON SAID TRACT 39; THENCE SOUTH $89^{\circ} 38' 06''$ WEST, ALONG SAID SOUTH LINE OF TRACT 39, FOR 74.40 FEET, TO A POINT OF BEGINNING.

Section 2: Repeal of Ordinances in Conflict.

All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

Section 3: Penalties.

Every person convicted of a violation of any provision of the Code or any ordinance, rule or regulation adopted or issued in pursuance thereof shall be punished by a civil penalty not to exceed \$500.00 within the discretion of the court or administrative tribunal having jurisdiction. Each act of violation and each day upon which any such violation shall occur shall constitute a separate offense. In addition to the penalty prescribed above, the city may pursue other remedies such as abatement of nuisance, injunctive relief, administrative adjudication and revocation of licenses or permits.

Section 4: Severability Clause.

If any phrase, clause, sentence, paragraph or section of this ordinance shall be declared invalid or unconstitutional by the judgment or decree of a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs or sections of this ordinance.

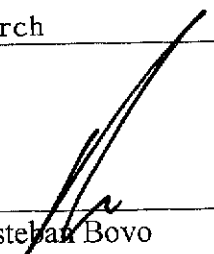
Section 5: Effective Date.

This ordinance shall become effective when passed by the City Council and signed by the Mayor or at the next regularly scheduled City Council meeting, if the

Mayor's signature is withheld or if the City Council overrides the Mayor's veto.

PASSED and ADOPTED this 13 day of March, 2007.

THE FOREGOING ORDINANCE
OF THE CITY OF HIALEAH WAS
PUBLISHED IN ACCORDANCE
WITH THE PROVISIONS OF
FLORIDA STATUTE 166.041
PRIOR TO FINAL READING.



Esteban Bovo
Council President

Attest:



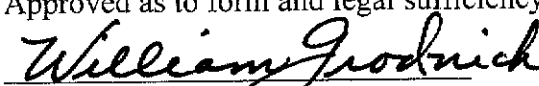
Rafael E. Granado, City Clerk

Approved on this 15 day of March, 2007.



Mayor Julio Robaina

Approved as to form and legal sufficiency:



William M. Grodnick, City Attorney

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Ordinance was adopted by a unanimous vote with Councilmembers Bovo, Caragol, Casals-Muñoz, Gonzalez, Hernandez, Miel and Yedra voting "Yes".